

SUMMARY OF EXAMINER INTERVIEW

Applicants would like to thank the Examiner for granting an interview on September 10, 2007. During the interview, the present amendment to claim 1 was discussed. The Examiner agreed that the reference did not appear to describe embedding a rule into the image for at least two reasons. First, unlike the rule of claim 1, an object (e.g., grandpa) is not embedded into the image by the camera. Second, the rule of claim 1 provides instructions that a computer may follow whereas an object (e.g., grandpa) does not.

REMARKS

Applicants respectfully request reconsideration of the present Application. Claims 1, 10, 19, 29, and 39-43 have been amended herein to incorporate elements of claim 2. Claims 2 and 20 have been canceled. Care has been exercised to introduce no new matter. Claims 1, 3-19, and 21-43 are pending and are in condition for allowance.

Rejections based on 35 U.S.C. § 102(e)

A. Applicable Authority.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

B. Claims 1, 3-19, 21-43 are not anticipated by US Patent Pub. 2003/0072488

Claims 1, 3-19, 21-43 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Pub 2003/0072488 to Barsness et al. (hereinafter the “Barsness reference”). As the Barsness reference does not describe, either expressly or inherently, each and every element of the claims, as currently amended, Applicants respectfully traverse the rejection as hereinafter set forth.

Claim 1, as currently amended, recites a method for managing digital images. The method includes establishing a connection between a computing device and an image capturing device. A set of rules pertaining to an image is defined. The set of rules governs

actions performed upon a captured image. At least one rule is embedded in the captured image.

The set of rules is applied to the image captured by the image capturing device.

The Barsness reference discloses a system that performs functions on images downloaded from a digital camera. One function is recognizing objects such as people within the digital image. *See* Barsness reference [0037]. Additional steps, such as emailing the image to an email address associated with the object, may be taken. *See* Barsness reference [0046].

In contrast, claim 1 recites embedding a rule into the image itself. A rule, as it is used in the present application, and an object, as it is used in the Barsness reference, are not the same thing. A rule may be “carried out” by an application that performs the actions specified by the rule. *See* Detailed Description [0054] of the present application. On the other hand, the object in Barsness (i.e., Grandpa) is not capable of being carried out. *See* Barsness reference [0037]. In addition, the object in the Barsness reference (Grandpa) is not embedded by the camera, but is preexisting in the image data. In contrast, claim 1 adds a rule to the picture that contains grandpa. Thus, claim 1 creates a picture of grandpa with a separate rule embedded into the picture. Grandpa is not the rule, nor is he added to the picture.

As the Barsness reference fails to describe, either expressly or inherently, at least embedding a rule in a digital image as recited in claim 1, it is respectfully submitted that the Barsness reference does not anticipate independent claim 1. Each of claims 3-9 depends, either directly or indirectly, from independent claim 1. Accordingly, the Barsness reference fails to anticipate each of these claims for at least the above-cited reasons. As such, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1, 3-9 is respectfully requested.

Regarding claims 10-19 and 21-43, each of independent claims 10, 19, 29, and 39 have been amended to recite embedding a rule in a digital image, as in claim 1. As with claim 1,

the Barsness reference fails to describe, either expressly or inherently, at least this feature of claims 10, 19, 29, and 39. Thus, it is respectfully submitted that the Barsness reference does not anticipate these claims. Each of claims 11-18, 21-28, 30-38, and 40-43 depends, either directly or indirectly, from independent claims 10, 19, 29, and 39. Accordingly, the Barsness reference fails to anticipate each of these claims for at least the above-cited reasons. As such, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 10-19 and 21-43 is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1, 3-19, and 21-43 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned at 816-474-6550 or jgolian@shb.com (such communication via email is herein expressly granted) to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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